

September 16, 2022

Via e-mail: jcomeau@urc.in.gov

Jeremy Comeau, Assistant General Counsel
Indiana Utility Regulatory Commission
PNC Center
101 W. Washington Street, Suite 1500E
Indianapolis, IN 46204

Re: Water Submetering/Sub-Billing Strawman July 26, 2022 Strawman Draft

Dear Mr. Comeau:

These comments are submitted on behalf of the Indiana Apartment Association (“IAA”). The IAA represents over 270,000 units across the State of Indiana and is primarily comprised of owners of multi-family units. The IAA’s membership also includes a few duplex owners and single family properties in rural areas of the State.

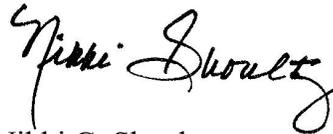
When the Indiana General Assembly enacted IC 8-1-2-1.2, IURC and OUCC representatives were involved in the process. The intent was to establish that, so long as a landlord acts within certain specified parameters, a landlord is not a public utility subject to regulation. Because the intent of the legislation was not to mandate that landlords must follow a one-size-fits-all approach for billing tenants for water service, it is important that this rulemaking follow suit and allow a landlord latitude in billing tenants, so long as the landlord complies with the statute and does not unreasonably profit through the provision of water service. With few exceptions, the billing practices of apartment owners are fair, reasonable, and are not a vehicle for profit. Because regulation adds an extra layer of cost that in many cases would economically devastate the apartment owner, it is unnecessary and imprudent to impose regulations on the entire Indiana rental community simply to remedy the actions of a few.

For this reason, we respectfully recommend that the Commission’s rule for addressing non-compliant landlords or associations be tailored to avoid regulating or imposing costly obligations on the vast majority of Indiana landlords and associations who act properly. With this goal in mind, we respectfully submit the attached proposed revisions to the strawman draft rule. This proposal does not impose new and burdensome billing obligations on the entire rental community, but does provide more defined guidance for situations where a landlord acts improperly.

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Finally, we encourage the General Counsel's Office to convene another pre-rulemaking workshop so that we may answer questions and explain the rationale for specific aspects of the attached proposed rule. We believe a workshop would also allow all interested parties to exchange ideas with the goal of reaching agreement on language for the proposed rule. We appreciate the staff's consideration of our comments and look forward to continuing our dialogue.

Respectfully submitted,

A handwritten signature in black ink that reads "Nikki Shoultz". The signature is written in a cursive style with a large, stylized "N" and "S".

Nikki G. Shoultz
Attorney for the Indiana Apartment Association

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